

EXHIBIT C

Ester Lorusso

12/19/2007

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1 UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT OF NEW YORK

3 -----X
4 ESTER LORUSSO,

5 Plaintiff,

6 Case No.
07CV3583 (LBS) (RLE)

7 -against-

8 ALITALIA-LINEE AEREE ITALIANE SpA

9 Defendant.
10 -----X

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12
13
14 Videotaped Deposition of Ester Lorusso

15 December 19, 2007

16 New York, New York
17
18
19
20
21
22

23 REPORTED BY:

24 Helen Mendlowich
25

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Q. Maybe to save time, is that true as well for contempt for females and homosexuals, that you can't recall any specific instances that Mr. Gallo gave you?

A. No. They were just general statements that he would make, but I don't remember the specific instances.

Q. Do you believe he made those statements more than once to you?

A. Yes.

Q. Did he ever put a statement like this in writing that you have seen?

A. No.

Q. Did Mr. Gallo indicate to you that he had ever protested anything that he regarded as expressions by leaders of the company of contempt for older employees, females or homosexuals?

A. Yes.

Q. What do you recall him telling you about his protesting?

A. Specifically to discriminating against me at the time it was happening. I believe he told Libutti that it was unlawful to discriminate against female employees in the United States.

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Q. When did Mr. Gallo tell you that he told Libutti that it was unlawful to discriminate against female employees in the United States in connection with your situation?

A. I don't remember.

Q. Can you recall what position you were in at the time that Mr. Gallo says that he said this to Libutti?

A. No.

Q. Can you recall what the details of the discrimination were that Mr. Gallo was supposedly protesting to Libutti?

A. Yes. That my job was being given to a male employee.

Q. And is that male employee Tim O'Neill?

A. Yes.

Q. Tim O'Neill had been the head of Italia Tours?

A. Yes, years back.

Q. And then Tim O'Neill came back to Alitalia in the Passenger Division?

A. Yes.

Q. What was his title?

A. I believe it was director of alliances.

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Q. Wasn't it director of sales and alliances?

A. That could be, yes.

Q. Do you know when Tim O'Neill came back to Alitalia in that capacity?

A. It was either 2003 or 2004. 2003, I think. 2003, I believe.

Q. Had you held that position of director of sales and alliances?

A. No.

Q. So Tim O'Neill wasn't taking that position away from you when he got it?

A. No.

Q. When was Tim O'Neill given your position?

A. It was throughout the time that our boss was Giulio Libutti.

Q. Mr. Libutti came in the summer of 2003; is that correct?

A. I believe so.

Q. So starting when Mr. Libutti came and continuing onward Mr. Libutti was giving your responsibilities to Tim O'Neill?

A. Slowly, yes.

Q. You say that Mr. Gallo told you that he told Mr. Libutti that this was sex discrimination

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and that it was illegal in the U.S.?

A. I'm sorry, repeat your question. (Testimony was read back.)

A. Yes.

Q. Yes is the answer.

You probably answered this but now that we are talking about it, can you recall approximately when Mr. Gallo told you that he told this to Libutti?

A. I don't recall.

Q. You don't recall when Gallo told you?

A. Right.

Q. Do you know if Gallo told you when he told this to Libutti?

A. Do I recall --

Q. Well, he could have said it in 2003, apparently, he could have said it in 2004. Libutti was there until 2006.

Do you have any idea when Gallo said to Libutti, this is sex discrimination, it's illegal?

A. It had to have been after I first made a complaint.

Q. Would that be around September of 2004?

A. That would be in the summer of 2004.

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 2 employed, at the time.
 3 Q. But first answer my question which has to
 4 do, Mr. Libutti have anything to do with the Cargo
 5 department?
 6 A. No.
 7 Q. Do you know if Mr. Libutti was the person
 8 who arranged for you to get a job in the Cargo
 9 department in 2006?
 10 A. No.
 11 Q. Do you know whether he had any influence
 12 on that placement, I'll call it, or on that job
 13 opportunity?
 14 A. I don't know.
 15 Q. As you mentioned, Mr. Libutti was, in
 16 fact, no longer employed at Alitalia at the time of
 17 your termination, correct?
 18 A. That is correct. I believe that's
 19 correct.
 20 Q. He certainly was no longer in New York at
 21 the time, correct?
 22 A. Right.
 23 Q. You said earlier that Mr. Libutti said —
 24 I don't want to put words in your mouth — but
 25 essentially set in motion the chain of events that

1 LORUSSO
 2 A. A hundred and five.
 3 Q. So you had a salary increase of more than
 4 25 percent when you went to GA2000?
 5 A. Right. The salary increase came by way of
 6 my refusing to go to GA2000, and Libutti would come
 7 back with a higher amount in order to entice me to
 8 go to GA2000.
 9 Q. What was your title at GA2000?
 10 A. Managing director.
 11 Q. What was your title before you went to
 12 GA2000?
 13 A. Director of managing.
 14 Q. Is a managing director higher than a
 15 director?
 16 A. Managing director of a sinking ship is not
 17 higher than a director of marketing in a company
 18 that was sound.
 19 Q. But you were managing director at GA2000,
 20 correct?
 21 A. Yes, I was.
 22 Q. And you were just a director when you were
 23 in Passenger?
 24 A. Yes, I was.
 25 Q. Your salary was 80,000?

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1 LORUSSO
 2 led to your termination?
 3 A. That's correct.
 4 Q. What are you referring to specifically?
 5 A. Mr. Libutti step-by-step was taking away
 6 my responsibilities and giving them to my male
 7 counterpart.
 8 Q. You mean Tim O'Neill?
 9 A. Tim O'Neill.
 10 Q. And so you consider that is how Mr.
 11 Libutti —
 12 A. — began —
 13 Q. — began the process of your termination?
 14 A. Correct.
 15 Q. The first thing he did was to promote you
 16 to GA2000, correct?
 17 MS. KURZON: Objection to the term
 18 "promote." Transferred?
 19 Q. Weren't you promoted to GA2000?
 20 A. I was transferred to G A 2000.
 21 Q. What was your salary before you went to
 22 GA2000?
 23 A. Eighty thousand.
 24 Q. What was your salary when you were at
 25 GA2000?

1 LORUSSO
 2 A. That's correct.
 3 Q. And went up to 105,000?
 4 A. That's correct.
 5 Q. Did Mr. Libutti tell you that GA2000 was a
 6 sinking ship?
 7 A. Everyone knew it was a sinking ship.
 8 Q. The question is whether Mr. Libutti did?
 9 A. No. He did not.
 10 Q. Did Mr. Gallo say so?
 11 A. No. He did not.
 12 Q. Did anybody say so specifically?
 13 A. I don't believe so.
 14 Q. But it was sort of common knowledge?
 15 A. It was common knowledge that Alitalia was
 16 closing companies, subsidiary companies that it
 17 owned.
 18 Q. Okay. And GA2000 was a subsidiary
 19 company?
 20 A. Yes, it was.
 21 Q. So the conclusion was that it might be on
 22 the list, so to speak, of things to be closed?
 23 A. That's correct.
 24 Q. I believe that you claimed that you made a
 25 profit when you were at GA2000.

33 (Pages 126 to 129)

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1 A. No, not my notes. Perhaps your notes.
 2 Q. Oh, we've given you what we have.
 3 You think that Mr. -- somebody told you,
 4 you don't remember who, that Mr. Pausini changed the
 5 review?
 6 A. Yes. I believe he came to New York to do
 7 it.
 8 Q. He came to New York to change the review?
 9 A. Yes. One of the reasons why he was in New
 10 York.
 11 Q. Because he had already been transferred
 12 back to Rome?
 13 A. Yes.
 14 Q. And Mr. Libutti was in charge here,
 15 correct?
 16 A. Yes.
 17 Q. Paragraph 18 says that "Mr. Libutti was
 18 immediately dismissive of plaintiff."
 19 In what ways was Mr. Libutti dismissive of
 20 you immediately?
 21 A. He basically wanted to know about our
 22 advertising practices and made it clear to me that
 23 that wasn't the way things should be done.
 24 Q. Okay. Can you think of any specific
 25

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1 examples where he didn't like the way things were
 2 being done?
 3 A. I can't think of anything specific right
 4 now.
 5 Q. Did Mr. Libutti continue during the time
 6 he remained as director in marketing in the
 7 Passenger Division that he didn't like the way the
 8 advertising was being done?
 9 A. Excuse me?
 10 Q. Did Mr. Libutti continue to make it clear
 11 to you that he didn't like the way the advertising
 12 was being done as long as you remained in Passenger?
 13 A. Mr. Libutti was negative about anything
 14 that had to do with me, so it's hard to pinpoint
 15 whether he continued or he didn't continue.
 16 Q. Did he continue, for example, to criticize
 17 the advertising?
 18 A. He didn't continue to criticize the
 19 advertising. He would continue to criticize
 20 anything I had to do.
 21 Q. Well, advertising was a big --
 22 A. With the advertising.
 23 Q. Advertising was a big part of what you
 24 did, correct?
 25

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1 A. Yes.
 2 Q. So he didn't criticize the advertising --
 3 A. In other words, he came to the States and
 4 said, This is the way we used to do it in Argentina.
 5 This is the way it should be done. This is the way
 6 we did it in Argentina.
 7 Q. Did you change the way you were doing
 8 things to conform to what Mr. Libutti wanted?
 9 A. I think I tried to appease him with
 10 certain things, yes.
 11 Q. With certain things?
 12 A. Yes.
 13 Q. But he continued to feel that he wanted it
 14 done differently?
 15 A. Yes.
 16 Q. Paragraph 18 continues, "He made it clear
 17 that women" -- clear to you, I'm sorry -- "that
 18 women were not meant to serve in executive
 19 capacities."
 20 How did he do that?
 21 A. By taking parts of my job away and giving
 22 them to Tim O'Neill.
 23 Q. What parts were those?
 24 A. Yearly sales meeting.
 25

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1 Q. You used to run a yearly sales meeting?
 2 A. The organization of the yearly sales
 3 meeting, yes.
 4 Q. You organized it?
 5 A. Yes.
 6 Q. Whom did he give that to?
 7 A. Tim O'Neill.
 8 Q. Who?
 9 A. Tim O'Neill.
 10 Q. Tim O'Neill, who was in sales?
 11 A. Who was a fellow director.
 12 Q. Tim O'Neill's title was sales and
 13 alliance --
 14 A. -- coordination.
 15 Q. -- coordination?
 16 A. That's correct.
 17 Q. The alliance referred to, by the way, just
 18 so we were clear, that's the Sky Team alliance with
 19 Delta and other airlines?
 20 A. That's correct.
 21 Q. Air France, I think.
 22 Other than taking some of your
 23 responsibilities away, such as the yearly sales
 24 meeting, how else did he make it clear to you that
 25

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1 LORUSSO
 2 women didn't belong in executive positions?
 3 A. By giving me menial tasks.
 4 Q. Mr. Libutti gave you menial tasks?
 5 A. Yes.
 6 Q. Such as?
 7 A. I recall one day he came in with shopping
 8 bags full of his home videos that he wanted
 9 transferred to DVDs.
 10 Q. Yes?
 11 A. And he handed them to me so that I could
 12 get them done for him.
 13 Q. So that you could get them done for him
 14 where?
 15 A. At our ad agency.
 16 Q. So it was the ad agency would did that,
 17 correct?
 18 A. They expected them to do that.
 19 Q. He didn't ask you to do it.
 20 A. He asked me to ask them to do it.
 21 Q. And you were the liaison to the ad agency.
 22 Wasn't that your principal job?
 23 A. Yes. At no cost, I might add.
 24 Q. Okay. The ad agency refused?
 25 A. I don't know what happened because I gave

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1 LORUSSO
 2 the bag — I felt that I was in a compromising
 3 position because I was the liaison to the ad agency.
 4 So I handed the shopping bags to his secretary, to
 5 his assistant, and I asked her to follow up on it.
 6 Q. You told her to follow up on it?
 7 A. I asked her to.
 8 Q. You didn't do what Mr. Libutti asked, you
 9 told his secretary to do what Mr. Libutti asked?
 10 A. Mr. Libutti was asking me to do something
 11 that was personal in nature and not business
 12 oriented and he was asking me to do it without being
 13 charged. So I really felt that I would be
 14 compromising my position as the liaison between the
 15 agency and Alitalia.
 16 Q. Did you tell that to Mr. Libutti's
 17 secretary?
 18 A. What do you mean?
 19 Q. Did you say to her, You better do this
 20 because I feel my position would be compromised if I
 21 give this to the ad agency?
 22 A. I believe I did.
 23 Q. Did you say it to Mr. Libutti?
 24 A. I don't recall.
 25 Q. Going back to ways in which he made it

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1 LORUSSO
 2 clear to you that women were not meant to serve in
 3 executive capacities. You said, one, he transferred
 4 responsibilities away from you, one of it was the
 5 sales meeting. What else?
 6 A. We had a yearly symposium which my
 7 department organized. He also gave that to Tim
 8 O'Neill.
 9 Q. Who in your department did the organizing
 10 of that?
 11 A. Elizabeth Santella.
 12 Q. Elizabeth Santella?
 13 A. Yes.
 14 Q. What was her title at the time?
 15 A. I believe it was sales promotion manager.
 16 Q. Did Elizabeth --
 17 A. -- or marketing communications manager. I
 18 don't recall at the time.
 19 Q. Did he transfer Elizabeth Santella to
 20 report to Tim O'Neill at that time?
 21 A. No.
 22 Q. What else did he take away from you?
 23 A. The marketing component of the sales team
 24 alliance. I used to handle that and then he wanted
 25 Tim O'Neill to handle that.

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1 LORUSSO
 2 Q. When you say, "the sales team," you mean
 3 the Sky Team alliance?
 4 A. I'm sorry, the Sky Team alliance.
 5 Q. So Tim started handling the marketing
 6 component of Sky Team?
 7 A. Yes.
 8 Q. How much of your job did that involve?
 9 A. I would say about 15 percent.
 10 Q. Anything else you can think of that was
 11 transferred?
 12 A. No, but I did write to Libutti all of the
 13 items that he was -- that concerned us.
 14 Q. Okay. You complained about this to
 15 Libutti?
 16 A. Yes, I did.
 17 Q. What's your basis for thinking it was
 18 because you're a woman that he transferred these
 19 things to Tim O'Neill? Do you have a basis for it?
 20 A. I was the only woman, female director.
 21 Q. Any other reason?
 22 A. Probably that's because Libutti came with
 23 the reputation of, you know, treating women as --
 24 not treating women well.
 25 Q. He came with that reputation?

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A. He came from South America with that reputation.

Q. He came from the Buenos Aires office?

A. That's correct.

Q. And you heard from the people in the Buenos Aires office that Giulio Libutti didn't treat them well?

A. I didn't hear from them directly, but indirectly, I did.

Q. What does "indirectly" mean in this case?

A. When someone comes to an office, there is gossip that surrounds it about what this person was like in his other office and so on and so forth. I don't remember specific statements.

Q. You said that you were the only female director but at this time Martha Lotti was a director, wasn't she?

A. Martha Lotti was a director. She was reporting to the Rome office. I don't remember when she began reporting to Libutti. She was in a totally separate division.

Q. But she was at some point reporting to Libutti?

A. Yes.

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Q. And Libutti was the head of everything in North America, correct?

A. Yes.

Q. Do you know if he transferred any of her responsibilities away from her?

A. I don't know.

Q. When was that symposium transferred over to Tim O'Neill?

A. I don't remember the exact date.

Q. Are you sure you were not in GA2000 by then?

A. I'm positive.

Q. You're positive?

A. Yes.

Q. Did Mr. Libutti ever tell you that he didn't think women should serve in executive capacities?

A. No.

Q. Did anybody ever tell you that Mr. Libutti had actually said that?

A. I don't recall.

MS. KURZON: At any time up until the present, today, or while she was still employed?

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MR. KORAL: Any time.

A. Well, up until the present, I have already told you that Franco Gallo said it to me.

Q. I don't believe that you told me that Franco Gallo actually said that Libutti said that women shouldn't be executives. I think you told me that Franco Gallo said that Libutti had made denigrating remarks about women.

A. That's correct.

Q. Is that one of the remarks that Gallo actually said he made?

A. No. You are correct.

Q. Gallo wasn't quoting him?

A. Correct.

MS. KURZON: I believe she actually testified that Gallo said that Libutti does not allow women to be in high positions, or something to that effect.

MR. KORAL: Well, the record will reflect what she testified.

Q. Paragraph 19 says that you were not "informed of numerous essential meetings regarding marketing and communications."

What meetings regarding marketing

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communications did Mr. Libutti hold that you were not aware of?

A. I don't have the exact meetings right now, or the dates, but I can refer to notes, if you allow me to.

Q. I think that's not a good idea. I should say, if you want to, go ahead and have a look at them, but your attorney is going to stop you in a heartbeat, believe me?

MS. KURZON: She is not in the possession of any notes, so I don't know what notes she's referring to.

A. Meaning —

Q. Let me ask you, do you have notes with you?

A. No.

Q. These are notes somewhere else?

MS. KURZON: Are you talking about notes that have already been provided?

THE WITNESS: Yes, of course.

Q. These are notes that you gave to your attorneys?

A. Yes.

Q. And that you assume your attorneys have

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<p>1 LORUSSO</p> <p>2 passed on to us?</p> <p>3 A. Yes, of course.</p> <p>4 MS. KURZON: Or notes that you reviewed</p> <p>5 because they've been produced by Alitalia?</p> <p>6 THE WITNESS: Of course.</p> <p>7 Q. In paragraph 20 you say that he "shifted</p> <p>8 duties to a less experienced male colleague."</p> <p>9 Who was that? Was that Tim O'Neill?</p> <p>10 A. Yes, it is.</p> <p>11 Q. Less experienced in what way?</p> <p>12 A. In marketing.</p> <p>13 Q. What's Tim O'Neill's background? Sales?</p> <p>14 A. Yes.</p> <p>15 Q. Tim O'Neill is approximately your age or a</p> <p>16 little older?</p> <p>17 A. A little older.</p> <p>18 Q. Do you know if he came to the travel</p> <p>19 industry, the airline industry late in life?</p> <p>20 A. No.</p> <p>21 Q. As far as you know, that's what he's</p> <p>22 always done?</p> <p>23 A. Yes.</p> <p>24 Q. What tasks were given to Francesca Forte</p> <p>25 as alleged in paragraph 22?</p>	<p>1 LORUSSO</p> <p>2 Q. Do you know when that occurred?</p> <p>3 A. I don't remember at this time.</p> <p>4 Q. Were you still at GA2000 when she was</p> <p>5 transferred to Rome?</p> <p>6 A. I believe so.</p> <p>7 Q. Had you just begun in GA2000 when she was</p> <p>8 transferred to Rome?</p> <p>9 A. I don't remember.</p> <p>10 Q. And, as you said, they split up your</p> <p>11 responsibilities and gave them to different people?</p> <p>12 A. Yes.</p> <p>13 Q. Anybody besides Tim O'Neill and Francesca</p> <p>14 Forte?</p> <p>15 A. I believe Lisa Del Percio was doing a few</p> <p>16 things, and she was —</p> <p>17 Q. Lisa, L-I-S-A?</p> <p>18 A. Yes.</p> <p>19 Q. Del Persio.</p> <p>20 Do you recall anything specific that Lisa</p> <p>21 was doing that you had done?</p> <p>22 A. That my department had done? She was</p> <p>23 handling barter, promotional barter.</p> <p>24 Q. Was she a manager?</p> <p>25 A. No.</p>
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<p>1 LORUSSO</p> <p>2 A. Francesca Forte was given the</p> <p>3 responsibility of advertising.</p> <p>4 Q. Francesca Forte got the responsibilities</p> <p>5 of advertising?</p> <p>6 A. Yes.</p> <p>7 Q. What was her position prior to your</p> <p>8 transfer to GA2000?</p> <p>9 A. I don't remember her title, but she</p> <p>10 reported to me.</p> <p>11 Q. Was she a manager?</p> <p>12 A. No.</p> <p>13 Q. She was an administrative assistant?</p> <p>14 A. I think her title had representative in</p> <p>15 it, the word "representative."</p> <p>16 Q. And she got the same responsibilities for</p> <p>17 advertising that you had had?</p> <p>18 A. Yes, she did. My work was split up.</p> <p>19 Q. Isn't it true that advertising was moved</p> <p>20 to Rome at this time; in 2004?</p> <p>21 A. Actually, it was supposed to have been</p> <p>22 moved to Rome, but I believe that first Francesca</p> <p>23 Forte was working on it in New York and then she was</p> <p>24 transferred along with the responsibility. She was</p> <p>25 transferred to Rome.</p>	<p>1 LORUSSO</p> <p>2 Q. Had she been doing that before you went to</p> <p>3 GA2000, under your supervision, I mean?</p> <p>4 A. No, no. She reported directly to Libutti.</p> <p>5 She was his assistant.</p> <p>6 Q. She was this assistant?</p> <p>7 A. Yes.</p> <p>8 Q. His administrative assistant?</p> <p>9 A. Yes.</p> <p>10 Q. So she got the administrative barter --</p> <p>11 pardon me, the promotional barter?</p> <p>12 A. Yes.</p> <p>13 Q. Can you think of anybody else that got</p> <p>14 some of your responsibilities?</p> <p>15 A. Not at this time.</p> <p>16 Q. Paragraph 24 states that you knew that</p> <p>17 GA2000 would soon close. Your testimony earlier was</p> <p>18 that you were concerned that it might close because</p> <p>19 Alitalia was closing subsidiaries.</p> <p>20 Did you have any specific knowledge that</p> <p>21 it would close or does "knew" here mean really</p> <p>22 suspected?</p> <p>23 A. I suspected.</p> <p>24 Q. You feared it?</p> <p>25 A. I feared it.</p>

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1 A. Yes.
 2 Q. D'Illario, you are talking about really his
 3 whole package including his ex-pat —
 4 A. His compensation.
 5 Q. — his ex-pat benefits plus his salary?
 6 A. His compensation, his total compensation.
 7 Q. Which consists of ex-pat benefits plus
 8 salary.
 9 A. Call it what you will.
 10 Q. Well, do you disagree with that?
 11 A. No.
 12 Q. Do you know what Mr. O'Neill's salary was?
 13 A. Exactly? No, but I'm sure it was higher
 14 than mine.
 15 Q. Do you know what Mr. Mariotti's was?
 16 A. I don't remember.
 17 Q. Do you remember what yours was in August
 18 of 2004?
 19 A. I believe it was \$80,000.
 20 Q. You believe that O'Neill's was higher and
 21 you believe that Mariotti's was higher?
 22 A. Correct.
 23 Q. And you believe that the whole value of
 24 Mr. D'Illario's compensation package was higher?
 25

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1 A. That's correct.
 2 Q. Did you hear back from Mr. Sciarresi
 3 regarding this e-mail?
 4 A. I don't recall.
 5 Q. You did eventually have a conversation
 6 with Franco Gallo and Stephanie Di Clemente about
 7 it?
 8 A. Yes, I did.
 9 Q. When you were in the Cargo Division, do
 10 you know what your salary was relative to that of
 11 Mr. Baxtrum and Mr. Guidotti?
 12 A. No, I don't.
 13 Q. So you don't know whether yours was higher
 14 or lower than theirs?
 15 A. No, I don't.
 16 MR. KORAL: Let's move on. We'll mark as
 17 Defendant's Exhibit 6 a letter signed by Mr.
 18 Scerasi and Mr. Libutti dated September 1, 2004
 19 and stamped September, I believe it's 22, 2004.
 20 MS. KURZON: May I have a copy, please?
 21 MR. KORAL: I'm sorry.
 22 It's stamped September 2, 2004. To you.
 23 (Defendant's Exhibit 6, letter, was marked
 24 for identification as of this date.)
 25

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1 Q. Did you discuss this letter with Mr.
 2 Libutti and Mr. Sciarresi at any time?
 3 A. I don't recall.
 4 Q. There are two CC's on this letter. One is
 5 to TNYC and one is to UGNYC.
 6 Do you know what those stand for?
 7 A. I don't recall.
 8 Q. Do you recall receiving this letter?
 9 A. Yes, I do.
 10 Q. You did not regard this as a promotion, as
 11 you've testified earlier.
 12 A. No. It was a transfer.
 13 Q. But you don't dispute that you were called
 14 managing director, do you?
 15 A. No, I don't.
 16 Q. And you don't dispute that your salary was
 17 increased from \$78,520.80 to \$105,000 per annum?
 18 A. That's correct.
 19 Q. Correct?
 20 A. Yes.
 21 Q. And you continued on all the Alitalia
 22 benefits, correct?
 23 A. Correct.
 24 Q. Did the GA2000 other employees besides you
 25

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1 and Mr. Farrow continue on Alitalia benefits?
 2 A. No. Nor did they start on Alitalia
 3 benefits.
 4 Q. "Continue" was the wrong word.
 5 Did they ever get Alitalia benefits?
 6 A. No.
 7 MR. KORAL: Let's look at a document we'll
 8 mark Defendant's Exhibit 7 from you to Andrea
 9 Sciarresi dated September 1.
 10 MS. KURZON: September 1, 2004.
 11 MR. KORAL: 2004.
 12 (Defendant's Exhibit 7, document, was
 13 marked for identification as of this date.)
 14 Q. Do you recall sending this to Mr.
 15 Sciarresi?
 16 A. Yes, I do.
 17 Q. And you copied Mr. Libutti?
 18 A. Yes, I did.
 19 Q. You hadn't copied him on the letter we
 20 just looked at, which was Exhibit 6, I believe.
 21 Is there a reason why you didn't?
 22 MS. KURZON: He signed it.
 23 MR. KORAL: Not 6, 5. The other e-mail to
 24 Sciarresi.
 25

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<p>1 LORUSSO</p> <p>2 work. I think you testified that was the</p> <p>3 advertising.</p> <p>4 A. Yes.</p> <p>5 Q. Do you know if Francesca Forte ever ran an</p> <p>6 advertising campaign?</p> <p>7 MS. KURZON: Prior to being given —</p> <p>8 MR. KORAL: No.</p> <p>9 Q. After being given these responsibilities,</p> <p>10 did she ever run an advertising campaign?</p> <p>11 A. I don't know.</p> <p>12 Q. Wasn't all advertising at that point being</p> <p>13 done in Rome? And by "done" I mean created and</p> <p>14 handled by Rome.</p> <p>15 A. I don't know.</p> <p>16 Q. I think you already testified that she was</p> <p>17 transferred to Rome eventually.</p> <p>18 A. Yes.</p> <p>19 Q. Sometime after the summer of 2005?</p> <p>20 A. I don't recall.</p> <p>21 Q. When Francesca Forte reported to you, what</p> <p>22 did she do? What were her responsibilities?</p> <p>23 I know you said you don't remember her</p> <p>24 title. Do you remember what her responsibilities</p> <p>25 were?</p>	<p>1 LORUSSO</p> <p>2 medical benefits, but that you rejected the offer.</p> <p>3 My first question is: Did he make this</p> <p>4 offer in writing?</p> <p>5 A. No.</p> <p>6 Q. Were any of these negotiations I'll call</p> <p>7 them about possible severance package done in</p> <p>8 writing?</p> <p>9 A. No.</p> <p>10 Q. So these were all just conversations with</p> <p>11 Libutti and Gallo?</p> <p>12 A. Correct.</p> <p>13 Q. But it was Libutti who offered the two</p> <p>14 years?</p> <p>15 A. Yes.</p> <p>16 Q. Did he offer it to you as a solid offer or</p> <p>17 did he say he would try to get it for you?</p> <p>18 A. I don't recall.</p> <p>19 Q. You say you rejected the offer because you</p> <p>20 wanted to continue working; is that right?</p> <p>21 A. Yes, sir.</p> <p>22 Q. Now, you had already been looking for jobs</p> <p>23 according to this.</p> <p>24 A. Yes.</p> <p>25 Q. And you had not been coming up with any?</p>
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<p>1 LORUSSO</p> <p>2 A. A lot of the work that Elizabeth and</p> <p>3 Francesca did overlapped, so I don't remember</p> <p>4 specifically what Francesca was doing.</p> <p>5 Q. That's Elizabeth Santella?</p> <p>6 A. Yes.</p> <p>7 Q. Did it have something to do with</p> <p>8 advertising?</p> <p>9 A. Yes.</p> <p>10 Q. To whom did Francesca report after you</p> <p>11 went to GA2000?</p> <p>12 A. To Giulio Libutti.</p> <p>13 Q. She reported directly to Giulio?</p> <p>14 A. I believe so.</p> <p>15 Q. Who, if anybody, until the summer of 2005,</p> <p>16 was handling advertising? Was Mr. Libutti doing</p> <p>17 that himself?</p> <p>18 A. I don't remember.</p> <p>19 Q. Okay. You state at the top of page 5 that</p> <p>20 you had several meetings with Gallo and Libutti</p> <p>21 about a possible severance package.</p> <p>22 Who initiated those conversations?</p> <p>23 A. I don't recall.</p> <p>24 Q. You state that Mr. Libutti offered you two</p> <p>25 years' salary, lifetime airline ticket benefits and</p>	<p>1 LORUSSO</p> <p>2 A. No.</p> <p>3 Q. Because of your age and your level?</p> <p>4 A. I believe so.</p> <p>5 Q. Did the headhunters tell you that?</p> <p>6 A. No.</p> <p>7 Q. They did not say, Oh, you're too old to</p> <p>8 get a job. You've got to stay where you are, alone</p> <p>9 on the 36th floor.</p> <p>10 They did not say something like that?</p> <p>11 A. No. Not that I recall.</p> <p>12 Q. Once you were in Cargo, what were your</p> <p>13 activities? What jobs, tasks did you perform?</p> <p>14 A. It wasn't clear.</p> <p>15 Q. Okay. It states here, third paragraph</p> <p>16 from the bottom on page 5 you began working on an</p> <p>17 e-mail database.</p> <p>18 Was that assigned to you?</p> <p>19 A. No. It was not.</p> <p>20 Q. It was something that you saw a need for</p> <p>21 and decided to develop?</p> <p>22 A. That is correct.</p> <p>23 Q. In fact, it was to be a Cargo contacts</p> <p>24 directory, wasn't it? Wasn't that what you</p> <p>25 envisioned?</p>

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1 A. Clients directory. Yes, a client
2 database.

3 Q. And you distributed drafts of it at
4 different time to various managers and directors in
5 Cargo and asked them for input?

6 A. Yes.

7 Q. And you got that input from them?

8 A. Yes.

9 Q. You also put together newsletters?

10 A. Yes.

11 Q. And also, didn't you develop fliers?

12 A. Yes, I did.

13 Q. Didn't you get a lot of very positive
14 feedback about the fliers you developed?

15 A. Yes, I did.

16 Q. Certainly from Canada, in any event, and
17 Chicago?

18 A. I believe so.

19 Q. So you weren't without things to do,
20 although some of these were things that you
21 developed yourself such as the idea for the
22 database, correct?

23 A. That is correct.

24 Q. You state that Mr. DiFeo was given a
25

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1 yearly stipend of approximately \$60,000 for his
2 apartment. How did you know that?

3 A. I don't remember. I don't recall.

4 Q. Are you aware that Mr. DiFeo is an
5 ex-patriot?

6 A. Yes.

7 Q. And you know that ex-patriot compensation
8 is very different from a local national
9 compensation?

10 A. Yes.

11 Q. Ex-patriots often get living allowance and
12 schooling allowances and taxes grossed up and all
13 that stuff. Are you aware of that?

14 A. Yes, I am.

15 Q. How do you know that Mr. DiFeo's salary
16 was \$95,000?

17 A. I don't recall.

18 Q. Do you know for a fact that it is or
19 you're not really sure?

20 MS. KURZON: Objection.

21 Q. Do you know for a fact that his salary was
22 \$95,000?

23 A. No. I don't know for a fact.

24 Q. Did you ever discuss Mr. DiFeo's
25

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1 compensation with Mr. Gallo?

2 A. No. I did not.

3 Q. Let's take a look at page 6, the second
4 full paragraph. This deals with Mr. Mariotti. Mr.
5 Mariotti had been pricing director, it says, and
6 then in May he became director sales and marketing
7 coordination, Passenger Division, and he got the
8 customer relations department.

9 So at this point in time Mr. Mariotti had
10 pricing, he had customer relations. He also had
11 sales coordination and the alliance, didn't he?

12 A. I don't recall. I do remember him having
13 pricing and customer relations.

14 Q. How about sales coordination?

15 A. I don't recall.

16 Q. His title is director sales and marketing
17 coordination, Passenger Division?

18 A. Right.

19 Q. Did he ever tell you that he had -- what
20 his responsibilities were?

21 A. I knew his responsibilities as pricing
22 director and marketing. I wasn't quite clear on the
23 sales coordination part.

24 Q. Marketing coordination, correct?
25

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1 A. Right.

2 Q. In Passenger?

3 A. Right.

4 Q. You weren't really interacting with him in
5 business because you were in Cargo and there was no
6 real need to interact with Mr. Mariotti except on a
7 friendly level; is that correct?

8 A. That's correct.

9 Q. Are you aware that Lucia Alla now is
10 responsible for pricing?

11 A. Yes.

12 Q. And that she is responsible for sales
13 coordination?

14 A. If that's her title, then yes.

15 Q. I'm not representing what her title is.

16 A. Okay.

17 Q. Also, she is responsible for customer
18 relations, correct?

19 A. I am aware that she took Gabriele
20 Mariotti's position.

21 Q. Okay. And you didn't hear anything to
22 suggest that she didn't get all of it. She is doing
23 basically what Mariotti was doing?

24 A. Correct.
25

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Q. Twenty-eight states, "In or around the summer of 2005, Mr. Libutti announced that the company intended to rejuvenate the New York office and get rid of the 'old faces.'"

You say "announced." Was this at a meeting?

A. I don't recall.

Q. Was this the statement that Mr. Mariotti reported to you or are you thinking of something specific? Something else, I mean.

A. I believe it was the statement that Mariotti reported to me.

Q. So you never heard Libutti say this?

A. No.

Q. Paragraph 30 states that in October of 2005 you again complained of age and gender discrimination.

To whom did you make that complaint?

A. I don't recall.

Q. Do you recall whether it was in writing?

A. I think I did put it in writing.

Q. All right. I haven't seen -- I'll just represent to you I have not seen anything in writing between 2004 and, let's say, 2006. I haven't seen

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anything, or, if so, what they said?

A. Right.

Q. Now, when GA2000 was closed, what happened to the employees of GA2000?

A. We let them go.

Q. They were all terminated?

A. They were all terminated.

Q. What kind of severance did they get?

A. Two weeks' salary.

Q. Two weeks' salary, period?

A. Yes.

Q. And the only exceptions to that were yourself, who was kept on, although you may not have had responsibilities to perform, and Mr. Farrow who took early retirement?

A. Right. And the two of us were employed by Alitalia and all the employees that were terminated were employed by GA2000.

Q. Those employees were quite young, weren't they, for the most part?

A. The GA2000 employees?

Q. Yes.

A. It was mixed.

Q. Mixed?

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an October 2005 complaint.

I just wonder, do you remember whether it was in writing?

A. No. I don't remember.

I believe that October 2005 was when I was told that GA2000 was closing, therefore I, most probably, said at that time to Libutti and Gallo that this was done on purpose.

Q. You don't have a specific recollection of saying that to Libutti and Gallo?

A. Yes. I did say it to them.

Q. You have a specific recollection?

A. I have a specific recollection.

Q. Can you remember where that was said?

A. It must have been in Libutti's office. I am not certain.

Q. You don't recollect that?

A. I don't recollect that.

Q. But you recollect saying it?

A. Yes.

Q. Do you recollect what reaction you got from either one of them?

A. No. I don't recollect.

Q. You don't recall if either of them said

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A. I think so.

Q. They weren't mostly young, relatively low-paid employees?

A. They were low-paid employees and most of them were hired through a temp agency.

Q. You didn't do the hiring. They were in place when you got there, correct?

A. Most of them, yes.

Q. Who was your predecessor as general manager of GA2000?

A. Jean-Paul.

Q. Say it again.

A. Jean-Paul. I don't know how to spell his last name.

Q. J-E-A-N; hyphen, P-A-U-L?

A. Correct.

Q. French name?

A. Yes, or Belgian, I believe he was.

Q. Can you pronounce his last name?

A. Steurve, S-T-E-U-R-V-E. Something like that.

Q. He was general manager of GA2000 before you took over?

A. I don't know if that was his exact title,

53 (Pages 206 to 209)